



prove its claim in the field, then it is allowed to state that claim on the label. The company may not retain the claim if the product works as advertised only under certain conditions. It is much less clear how far companies are allowed to go with claims once they prove their efficacy in the field. While a label may not state a product will result in a "healthy" plant, it may claim a "strong plant that is disease free."

Dr. Tobi Jones, newly appointed Special Assistant to the Executive Office, represented the DPR perspective. Dr. Jones explained that DPR typically regulates chemicals and microbials as pesticides. So far, there has been no attempt to regulate claims regarding plants, other than EPA's experiment with transgenic cotton containing the *Bacillus Thuringiensis* (BT) endotoxin. [12:4 CRLR 186] The intent of the use is the means by which DPR decides whether a chemical or microbial is a pesticide. If the product claims to have an effect on microorganisms, it is deemed a pesticide for DPR's purposes. Then DPR will require certain data regarding toxicity and impact on non-target organisms and the environment. However, if the product is used as a fertilizer, DPR is not authorized to prohibit its use even if it suspects that the product is being used as a pesticide.

Glenda Duggan represented federal EPA's perspective. Duggan asserted that if a company sells a product as a non-pesticide, but there is knowledge on the part of the seller or distributor that purchasers use it as a pesticide, this is a clear violation of the federal regulations. But if the stated intent of the product is to "control disease," then it falls into a gray area. For example, if the claim is made that a plant upon which the product is used will have less root disease, then EPA must look at the mechanism of the disease control. The key word for EPA is "nutrient." If the product's advertising makes a nutritional claim going to the "vigorousness" of the plant, then it probably won't run afoul of federal regulations. However, if there is less root disease because of the effect the product has on pests, the federal regulations have been violated.

At PREC's November 20 meeting, Michael Dibartolomeis of Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA) gave a presentation on the recent granting of provisional sale certificates to two manufacturers of newly developed tear gas weapons. Dibartolomeis was asked to give the presentation by PREC Chair Tobi Jones, because of recent questions regarding the use of tear gas as a pesticide. Dibartolomeis emphasized

that OEHHA, at the request of the Department of Justice, assesses whether a type or brand of tear gas weapon is harmful, toxic, or presents any health hazard to human beings; it does not evaluate the use of chemicals as pesticides. The thrust of his presentation was to explain OEHHA's process of evaluating oleoresin capsicum (extract of chili pepper) sprays and the justification for the granting provisional sale certificates for new weapons using these sprays.

PREC's December meeting was cancelled.

■ FUTURE MEETINGS

DPR's PAC, PREC, and PMAC meet regularly to discuss issues of practice and policy with other public agencies. The committees meet in the annex of the Food and Agriculture Building in Sacramento. For meeting information, call (916) 654-1117.

WATER RESOURCES CONTROL BOARD

Executive Director: Walt Pettit
Acting Chair: Eliseo Samaniego
(916) 657-0941

The state Water Resources Control Board (WRCB) is established in Water Code section 174 *et seq.* The Board administers the Porter-Cologne Water Quality Control Act, Water Code section 13000 *et seq.*, and Division 2 of the Water Code, with respect to the allocation of rights to surface waters. The Board consists of five full-time members appointed for four-year terms. The statutory appointment categories for the five positions ensure that the Board collectively has experience in fields which include water quality and rights, civil and sanitary engineering, agricultural irrigation, and law.

Board activity in California operates at regional and state levels. The state is divided into nine regions, each with a regional water quality control board (RWQCB or "regional board") composed of nine members appointed for four-year terms. Each regional board adopts Water Quality Control Plans (Basin Plans) for its area and performs any other function concerning the water resources of its respective region. Most regional board action is subject to State Board review or approval.

The State Board has quasi-legislative powers to adopt, amend, and repeal administrative regulations for itself and the regional boards. WRCB's regulations are codified in Divisions 3 and 4, Title 23 of

the California Code of Regulations (CCR). Water quality regulatory activity also includes issuance of waste discharge orders, surveillance and monitoring of discharges and enforcement of effluent limitations. The Board and its staff of approximately 450 provide technical assistance ranging from agricultural pollution control and waste water reclamation to discharge impacts on the marine environment. Construction loans from state and federal sources are allocated for projects such as waste water treatment facilities.

WRCB also administers California's water rights laws through licensing appropriative rights and adjudicating disputed rights. The Board may exercise its investigative and enforcement powers to prevent illegal diversions, wasteful use of water, and violations of license terms.

On December 1, WRCB Chair W. Don Maughan retired from the Board. Maughan was originally appointed to WRCB in 1973 by Governor Reagan, and reappointed by Governor Brown. After a six-year term as deputy director for water management of the Arizona Department of Water Resources, Maughan then returned to California to serve once again as a Deukmejian appointee on WRCB. With his retirement, Maughan ends nearly 50 years of distinguished service on state and federal water agencies. At this writing, Governor Wilson has not appointed a registered civil engineer to fill the vacancy, nor has he designated a new Board chair. Board Vice Chair Eliseo Samaniego will serve as Acting Chair until a new appointment is made.

■ MAJOR PROJECTS

Water Rights Decision 1630: A Small Step for San Francisco Bay/Sacramento-San Joaquin Delta Estuary Wildlife. On December 10, the Board finally issued Water Rights Decision 1630. The long-awaited interim decision is intended to establish flow requirements for the Bay/Delta Estuary which protect fish and wildlife resources in the area and reverse the long-established decline in water quality brought on by massive pumping of fresh water from the Delta. As fresh water is pumped out, sea water flows in—threatening both the quality of drinking water and the viability of many fish species. [12:4 CRLR 187; 12:2&3 CRLR 214-15; 11:4 CRLR 167] At this writing, the Board anticipates that these new standards will remain in effect for about five years, until WRCB and other agencies are able to formulate long-range comprehensive solutions to the Bay/Delta's problems. The principal elements of Decision 1630 include the following:



REGULATORY AGENCY ACTION

—no reverse flows will occur in the western Delta between February 1 and June 30; these flows pull water and young fish of various species from the western Delta into the central Delta where they are exposed to entrainment by the export pumps;

—export pumping will be held to a minimum during certain critical spawning periods;

—“pulse flows”—short-term injections of water—will be released into the river in late April and October for two-week periods in order to attract migrating fish up the San Joaquin River and tributaries, provide some degree of temperature control in upstream areas, help provide flows to the hatcheries, and reduce fish straying to mud and salt sloughs;

—fee increases will be imposed on large irrigation districts to provide approximately \$60 million annually for the establishment of the Bay/Delta Estuary Water Project Mitigation Fund to support fish hatcheries, fish screens on pumping stations, temperature control devices, and other environmental enhancements;

—urban users will be required to engage in water conservation; and

—more conservative Water Year Classification Indices will be used for the San Joaquin and Sacramento River basins, which are intended to better predict water supplies and drought conditions.

On average, Decision 1630 will cut State Water Project exports by 250,000 acre-feet and Central Valley Project exports by 550,000 acre-feet annually. The two projects, combined, export about seven million acre-feet per year. Farmers will face an average reduction in State Water Project deliveries of 90,000 acre-feet.

The uncharacteristic speed with which the Board acted in issuing Decision 1630 was a response to Governor Wilson's April 1992 “battle cry” for standards designed to halt the decline of fish and wildlife in the estuary and ensure that the available water supply is reasonably used. Wilson called upon WRCB to hand down “interim” standards for the Bay/Delta by December 1992. The Governor's announcement effectively derailed the Board's then-in-progress development of an environmental impact report (EIR), generally thought to be required by the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.*, for a water rights decision; WRCB was in the process of drafting an EIR which was to be released in the spring of 1992.

The Board's failure to complete an EIR under CEQA may be used by urban water contractors in challenging Decision 1630

in court. Prepared for the challenge, the decision asserts that the Board's action is “categorically exempt from the requirements of...[CEQA]...under the provisions of Title 14, California Code of Regulations (Cal. Code Regs.), Sections 15321(a), 15307, 15308, and 15301(i).” Specifically, the Decision notes that the Board initiated this action to enforce the requirements of California Constitution Article X, Section 2, Water Code sections 100 and 275, and the common law public trust doctrine. As it only enforces reasonable public trust requirements on existing water rights, the Board contends the decision is separate and distinct from new projects or changes in projects that would usually require an EIR. Under the Board's duty of continuing supervision over water rights, it claims broad substantive authority to reconsider existing water rights and bring them into compliance with current reasonableness standards and the public trust doctrine. Thus, the Board contends that section 15321(a) exempts the action from CEQA requirements. In addition, the Board asserts that sections 15307 and 15308 exempt this action because the public trust doctrine encompasses natural fisheries resources, and because the decision deals with procedures for the protection of the environment. Also, WRCB believes that the section 15301(i) exemption applies because the Board found that existing facilities will be operating at approximately the same level of use as before.

The Board also argues that section 15300.2(c), Title 14 of the CCR, which prohibits a CEQA exemption under certain circumstances, does not apply. Section 15300.2(c) disallows a categorical CEQA exemption for any activity where there is a reasonable possibility that it will have a significant adverse effect on the environment due to unusual circumstances. In the interim decision, WRCB argues that there will be no significant adverse environmental effect in the three areas that need be considered—the Estuary, the export areas, and watersheds. Assuming that water exporters sue the Board over Decision 1630, which is likely, it will be up to the courts to determine the validity of WRCB's contentions.

Wilson's April 1992 announcement was viewed by many environmentalists as an attempt to stave off more stringent federal Environmental Protection Agency (EPA) water quality standards. After EPA had rejected the Board's May 1991 Water Quality Plan (a predecessor to Decision 1630), the responsibility devolved on EPA under the federal Clean Water Act to promulgate its own standards to preserve fish

habitat in the Bay/Delta. EPA appeared willing to wait and see what the Board's interim standards would be, and took no action in 1992.

However, EPA action seems certain in 1993. Environmental groups, and specifically the Sierra Club Legal Defense Fund, have put EPA on notice that they will sue the agency if it does not issue (or demand) new water quality standards for the Bay/Delta which conform to EPA's own identified necessary components for standards, including restoration of aquatic populations to pre-water project levels, maintenance of habitable salinity levels, and protection of diversity of species. While helpful, Decision 1630's call for limited reverse flows, “pulse flows,” and some reduced pumping during certain times of the year does not come close to satisfying the goals that EPA has previously called appropriate. As such, the “interim” standards set forth in Water Rights Decision 1630, along with the included “long-term goals,” are not likely to placate EPA and will certainly not deter environmental organizations. Although environmentalists acknowledged the decision as a first step in the right direction, and one which may halt or slow the decline of Bay/Delta wildlife, full protection appears to be their goal.

In summary, after over five years in the works, WRCB has finally responded to the continuing decline of fish and wildlife in the Bay/Delta—at least for an “interim” five-year period. The Board touted the decision as a compromise between competing interests—and the most that could be done to protect Bay/Delta wildlife resources while remaining politically viable. WRCB Chair W. Don Maughan, who retired on December 1, stated that “the Board is confident the standards included in this decision will successfully answer Governor Wilson's call for immediate Delta protective measures while insuring a water supply sufficient for the many Californians who depend on the Delta for domestic, agricultural and industrial water use.”

After completion of a written comment period ending on January 11 and a public hearing scheduled to coincide with WRCB's January 25 meeting, the Board is expected to adopt the interim standards contained in Water Rights Decision 1630.

President Signs Miller Bill Over Protests From Governor Wilson and Secretaries of Interior and Agriculture. On October 30, President Bush signed a bill authored by California Representative George Miller that signals a landmark change in federal water policy in California. The bill makes restoration of fish and



wildlife populations a priority of the federally-owned Central Valley Project (CVP). [12:4 CRLR 187-88] The CVP provides California with approximately 20% of its water, most going to farmers. Decades of wasteful irrigation practices have devastated fish populations while supplying farmers with cheap, federally-subsidized water. Under the Miller bill, 800,000 acre-feet of water will be set aside each year for the environment, and a \$50 million annual environmental restoration fund will be established, to be financed by fees on CVP water and power sales. Farmers will no longer receive automatic renewal of 40-year water contracts; they will receive one guaranteed 25-year contract, and fixed rates are replaced with a three-tiered pricing system which encourages conservation. And, for the first time, farmers will be allowed to sell water to urban agencies to alleviate water shortages.

U.S. Senator John Seymour, Governor Pete Wilson, U.S. Department of the Interior Secretary Manuel Lujan Jr., and U.S. Department of Agriculture Secretary Edward Madigan all strongly recommended a veto. However, election-year pressures on President Bush forced him to sign the omnibus bill containing water projects for four western states Bush was hoping to win. Governor Wilson predicted that the legislation will "promote economic dislocation in our state, ensure massive litigation for years to come, and harm all water users in California." Jason Peltier, manager of the Central Valley Project Water Association, also voiced concern over the bill, claiming that it is poorly written and ambiguous. Environmental groups hailed the legislation as an important first step in protecting the environment.

Drought Worsens as Winter Approaches. On September 30, the last day of the water year, California's supply of water was at its lowest in fifteen years. The state's 155 major reservoirs were at 57% of normal levels. The Department of Water Resources' Drought Center reported that in all probability, the state will continue into its seventh year of drought. [12:4 CRLR 188]

As of December 1, California's 155 major reservoirs had 11.8 million acre-feet of water. This constitutes 55% of average for this date, and only 31% of capacity.

Board Adopts Amendments to the Inland Surface Waters Plan. On November 19, pursuant to the legislative policy set forth in Water Code section 13000 *et seq.* and the authority contained in section 13170, and after a public hearing in April, WRCB adopted amendments to its Water Quality Control Plan for Inland Surface Waters.

When the Board adopted the Inland Surface Waters Plan in April 1991 [11:3 CRLR 177; 11:1 CRLR 131-32], it declared its intent to consider adopting additional water quality objectives within one year. The proposed amendments add new water quality objectives for protection of aquatic life and protection of human health from consumption of contaminated drinking water. The substances selected for addition are toxic pollutants identified under the federal Clean Water Act as priority pollutants not already contained in the Plan but for which the federal EPA has published water quality criteria. These determinations may be reviewed by EPA. The regional boards will also adopt site-specific water quality objectives, subject to approval by the Board and the EPA. The plan also allows for short-term variances in order to comply with other state and federal programs.

Status Update on WRCB Rulemaking. The following is a status update on Board rulemaking proceedings that are described in detail in previous issues of the *Reporter*:

- **Fully Appropriated Streams.** On October 22, the Board adopted new Article 23 (sections 870-874), Title 23 of the CCR. These regulations set forth WRCB's procedures for (1) revoking or revising the status of stream systems declared to be fully appropriated, (2) adding stream systems to the initial or any revised declaration by WRCB, and (3) public participation in the process through which a "fully appropriated" declaration is changed. The procedures allow the Board, upon its own motion or upon petition from any interest person, to revoke or revise a declaration. Any person is allowed to petition the Board to revoke or revise the fully appropriated status of a stream. [12:4 CRLR 188-89] At this writing, WRCB has submitted the rulemaking file on these regulatory changes to the Office of Administrative Law (OAL) and is awaiting approval.

- **Changes in Point of Diversion, Place of Use, and Purpose of Use; Changes Due to Transfers of Water or Water Rights.** At this writing, WRCB staff is still reviewing and analyzing comments received at an August 1992 hearing on proposed amendments to sections 791-93, 795-96, and 799, and the proposed repeal of section 794, Article 15, Title 23 of the CCR, pertaining to changes in point of diversion, place of use, or purpose of use of water; amendments to sections 801-02, the repeal of sections 800 and 803, and the adoption of section 804, Article 16, pertaining to temporary changes due to transfers of water or water rights; the adoption

of sections 805 and 806, Article 16.5, relating to petitions for temporary urgency changes; and the repeal of section 813, Article 17, pertaining to changes involving a long-term transfer of water. [12:4 CRLR 189] At this writing, staff hopes to release modified language of these proposed regulatory changes and place the packet on the Board's agenda by July.

- **Underground Storage of Hazardous Substance Regulations.** During the spring of 1992, the Board proposed to amend sections 2611, 2621, 2631, 2642, 2643, 2646, 2680, and 2681, Title 23 of the CCR, which govern the underground storage of hazardous substances. Among other things, the proposed amendments would modify certain definitions and terms; clarify which tanks and pipelines are exempt from regulation; state additional equipment requirements; clarify certain performance standards; specify mandatory disclosures and corrective actions; set forth upgrade requirements; debate certain existing requirements; and conform the regulations to state and federal statutes. [12:2&3 CRLR 216] The public comment period closed on June 23, 1992. However, because of public response proposing sweeping changes to the regulations, as well as the Board's desire to address new issues within the regulations, WRCB expects to issue new draft regulations and notice another 45-day public comment period by the end of May.

LEGISLATION

SB 7 (Kelley). Existing law authorizes metropolitan water districts to be organized for the purpose of developing, storing, and distributing water for domestic and municipal purposes. As introduced December 7, this bill would authorize a district to purchase reclaimed water for resale within the district for beneficial purposes and to participate in projects of public or private entities to reduce demands for water service in the district.

Existing law authorizes a metropolitan water district to provide, sell, and deliver surplus water not needed or required for domestic or municipal uses within the district for beneficial purposes. This bill would specify that, for purposes of that provision, surplus water does not include reclaimed water acquired by the district pursuant to the above provision. [S. AWR]

AB 52 (Katz). Existing law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if WRCB determines that the transfer meets prescribed conditions, including that the proposed change would not unreasonably



affect fish, wildlife, or other instream beneficial uses. As introduced December 15, this bill would delete that requirement and instead require that the proposed change would not unreasonably affect the environment, as specified. The bill would require WRCB, upon the receipt of notification of the proposed temporary change, to notify the appropriate county board of supervisors of the proposed transfer and other interested persons or entities.

Existing law also authorizes WRCB to approve a petition for a long-term transfer of water or water rights involving a change in point of diversion, place of use, or purpose of use if WRCB determines that the transfer meets certain condition, including that the proposed change does not unreasonably affect fish, wildlife, or other instream beneficial uses. This bill would delete that requirement and instead impose the requirements that the proposed long-term transfer must not unreasonably affect the environment or the overall economy of the county or the local community from which the water is being transferred. The Board would require WRCB, upon the receipt of a petition for a long-term transfer of water or water rights, to notify, in writing, the appropriate county board of supervisors of the proposed change and other interested persons or entities.

This bill would also authorize WRCB, upon request of a holder of an appropriate right initiated prior to December 19, 1914, or a holder to a right to extract groundwater for beneficial use, to authorize a short-term or long-term change in the holder's point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights, subject to certain conditions; the bill would exclude prescribed water from these provisions.

Finally, this bill would authorize every local or regional public agency authorized by law to serve water to sell, lease, exchange, or otherwise transfer water, the use of which is foregone during the transfer period by an agency water user, for use inside or outside the agency. The bill would authorize a water user to transfer its water allocation received from a public water agency, and would exclude prescribed water from its provisions. [A. WP&W]

LITIGATION

In *United States and California v. City of San Diego*, No. 88-1101-B (U.S.D.C., S.D. Cal.), the federal EPA has yet to decide whether to appeal Judge Brewster's decision allowing the City of San Diego to build only a part of the huge sewage project it agreed to build in a previous

consent agreement with EPA. Delay in the decision to appeal has kept the City from selling bonds to raise money needed to begin construction of those parts of the project Judge Brewster ordered it to build. [12:4 CRLR 192]

In *State Water Resources Control Board and the Regional Water Quality Control Board, San Francisco Region v. Office of Administrative Law (San Francisco Bay Planning Coalition, Real Party in Interest)*, No. A054559, the parties were scheduled to present oral argument in the First District Court of Appeal on December 16 in San Francisco. [12:4 CRLR 192]

In *Earth Island Institute v. Southern California Edison*, No. 90-1535 (U.S.D.C., S.D. Cal.), the parties are currently involved in settlement negotiations. [12:4 CRLR 192]

The Third District Court of Appeal recently dismissed without explanation WRCB's petition for review of a September 22 superior court decision granting the Golden Gate Audubon Society's motion for discovery in *Golden Gate Audubon Society, et al. v. State Water Resources Control Board*, No. 366984 (Sacramento County Superior Court). In this case, environmentalists allege that the WRCB's May 1991 Water Quality Control Plan for Salinity does not satisfy the Board's mandate under the Porter-Cologne Act and the Clean Water Act to set flow standards necessary to reduce the salinity and protect fish and other wildlife. The superior court decision allows the introduction of evidence not included in the administrative record, including information environmentalists believe should have been considered in drafting the salinity plan. In addition, the decision will allow discovery regarding allegedly improper ex parte contacts between water export interests and former WRCB member Darlene Ruiz. [12:4 CRLR 191-92; 12:2&3 CRLR 220; 11:3 CRLR 180] WRCB has petitioned the California Supreme Court for review of the discovery order; Golden Gate Audubon Society has responded, and WRCB's response is due on January 14. At this writing, the high court has not yet decided whether to review the matter.

RECENT MEETINGS

At its October 22 meeting, WRCB unanimously approved the Workplan for its Triennial Review of the California Ocean Plan. Federal law (section 303(c)(1) of the Clean Water Act) and California Water Code section 13170.2(b) require a triennial review of ocean water quality standards. The review process began in November 1991 with a public hearing to so-

licit suggestions for revisions to the Ocean Plan. Thirty-five issues were presented at the hearing and, in the Workplan, WRCB staff recommended a priority level and a budget for each issue. Twenty-three issues, organized into seven major issue groupings, have been identified as being of high priority. Due to budget constraints, the eleven lower-priority issues will be addressed if resources become available; one issue was determined to be inappropriate for consideration.

The high-priority issues will be studied over the next two years. They include water quality objectives and implementation; toxicity objectives; bacterial standards; sediment quality objectives; suspended solids regulation; and nonpoint source control. The adoption of the Workplan completes the identification phase of the process. After the analysis phase (which is scheduled to be completed in April 1994), the Board expects to adopt a revised Ocean Plan in October 1994.

Also on October 22, the Board voted unanimously to approve the City of San Luis Obispo's request to reschedule the first repayment of a State Revolving Fund (SRF) loan. Previously, the Board had authorized a \$35 million SRF loan to the city to construct treatment facility improvements. The loan was to be repaid in installments beginning no later than one year after the date of the first loan disbursement. The city requested and was granted an extension from November 1992 until August 1, 1993. This request represents the first activation of the Board's SRF policy provision allowing the Board to determine the repayment period.

The Board clarified that it does not wish to set precedent with a decision in this case or to send a message to SRF loan recipients that it may be willing to reschedule other repayment periods. A delay in loan repayments may deny WRCB the use of these limited SRF funds as loans to other applicants for clean water projects. However, the Board pointed out that, in this case, San Luis Obispo has gone to great effort to meet its repayment schedule. Citing the drought and recession as key factors in its difficulty in meeting loan payments, the city has nonetheless implemented customer rate changes amounting to a 300% increase over the last four years. Most importantly, the Board acknowledged that the primary factor affecting the city's ability to repay is uncertainty of payment by the State of California for Cal Poly San Luis Obispo's share of the costs for the improvements. Cal Poly agreed to contribute \$3-4 million during 1992-93 for this purpose, but the state budget crisis has made this commitment



tenuous, at least in the near future. Board member Marc Del Piero suggested that, along with approval of San Luis Obispo's request, correspondence should be sent to the state legislature as well as Cal Poly indicating that WRCB expects the state to live up to its commitment to the City of San Luis Obispo.

On October 22, the Board also approved a delegation of authority to authorize up to \$100,000 in Emergency, Abandoned, Recalcitrant Account funds (EAR) for clean-up of potentially hazardous underground storage tank (UST) sites. Chapter 6.75 of the Health and Safety Code authorizes WRCB to provide UST funds to regional boards and local UST agencies for direct clean-up of UST sites requiring emergency or prompt corrective action. Approval of emergency funding requests are limited to those sudden cases where a crisis situation, caused by an unauthorized release of petroleum from a UST, poses an immediate threat to human health or the environment, and immediate action is required. The Board delegated authority to approve such requests to the Chief of WRCB's Division of Clean Water Programs, the Chief of its Division of Administrative Services, WRCB's Executive Director, and its Chief Counsel, in the order listed.

At the Board's November 5 meeting, WRCB Executive Director Walt Pettit reported on major projects under way. WRCB's Division of Clean Water Programs has issued a \$915,658 SRF loan to the Mission Springs Water District for improvements and expansion of the Alan L. Horton Wastewater Treatment Facility. [12:2&3 CRLR 221-22] Pettit also reported that Congress had passed fiscal year 1993 Clean Water Act appropriations, which include \$45.5 million for the City of San Diego, \$55 million for the City of Los Angeles, and \$32.5 million for Tijuana, Mexico. Congress also appropriated \$1.9 billion for the nationwide SRF Loan Program; California expects to receive about \$140 million of this amount if the state meets its \$28 million matching funds requirement. Reporting on the Underground Storage Tank Clean-up Fund, Pettit reported that 84 letters of commitment for \$3.7 million were issued to California claimants. Regarding WRCB's Division of Water Rights, the director reported that the Board has issued certificates recognizing approximately 170 registrations of small domestic use water diversions. The Board plans to prepare a report to the Governor and the legislature on the effects of this program.

At its November 19 meeting, WRCB passed resolutions approving a SRF loan

of \$2.5 million for the Cambria Community Services District's sewage treatment plant upgrade and expansion, a SRF loan of \$3 million to Stanislaus County for the construction of sewer lines for the unsewered community of Bret Harte, and a Small Community Grant of almost \$1 million to the Big Pine Indian Reservation for construction of a wastewater treatment works; denying SRF loans to the City and County of San Francisco, the City of Santa Rosa, and the Orange County Water District, and directing staff to bring the three projects back next year if a capitalization grant is received from the federal EPA; and removing the Panoche Drainage District Irrigation Improvement Project from the Nonpoint Source Management Plan and rescinding its \$450,000 SRF loan.

Also on November 19, the Board voted to approve the appointment of six new members to the Advisory Committee for Training and Certification of Wastewater Treatment Plant Operators and Supervisors. The Board also authorized its chair to execute a proposed memorandum of understanding with the U.S. Department of the Interior's Bureau of Land Management (BLM), to develop appropriate procedures and clarify responsibilities related to nonpoint source water quality issues and activities. In other action, the Board rejected a petition by the RJW Lumber Company appealing a denial of access to the Underground Storage Tank Clean-up Fund. Access was denied because the petitioner was not eligible under statute to receive any money from this fund.

Also in November, WRCB approved a negative declaration and certification of an amendment to the Water Quality Management Plan for the Lake Tahoe Basin (208 Plan) submitted by the Tahoe Regional Planning Agency (TRPA). The 208 Plan, administered by TRPA, requires that each vacant residential parcel within the basin be rated according to several criteria that describe its sensitivity to development. The rating mechanism is known as the Individual Parcel Evaluation System (IPES), and it assigns a numerical score to each parcel. The philosophy behind IPES is to ensure that development occurs first on those parcels that are least likely to contribute to declining water quality in the lake. Sensitive parcels are set aside with the intent that some, if not all, of these parcels will be purchased through a conservancy program and left undeveloped. A minimum IPES score (the IPES line) has been established for each county in the basin. The overall scheme allows the lowering of the IPES line each year as parcels are sold, certain monitoring requirements are met, and compliance levels are satis-

factory. TRPA asked the Board to amend some of the monitoring requirements that contain the phrase "one representative water year," because it is ambiguous and the state has not had a representative year in the Tahoe region since the plan began. TRPA submitted an amendment that would eliminate the language, but in return give the Board the chance to approve or deny any planned action regarding lowering the IPES line.

On November 24, the Board released an order allowing the Department of Water Resources and the U.S. Bureau of Reclamation to forego compliance with a chloride standard at the Contra Costa Canal intake in the Sacramento-San Joaquin Delta for the remaining 32 days of compliance required by Water Rights Decision 1485 during the 1992 calendar year. New standards were approved whose main objective is to protect the chinook salmon living in these waters.

■ FUTURE MEETINGS

Workshop meetings are generally held the first Wednesday and Thursday of each month in Sacramento. Contact Maureen Marché at (916) 657-0990 for information.